

00001

1 IN THE UNITED STATES DISTRICT COURT FOR THE  
2 NORTHERN DISTRICT OF OKLAHOMA

3

4

W. A. DREW EDMONDSON, in his )  
5 capacity as ATTORNEY GENERAL )  
OF THE STATE OF OKLAHOMA and )  
6 OKLAHOMA SECRETARY OF THE )  
ENVIRONMENT C. MILES TOLBERT,) )  
7 in his capacity as the )  
TRUSTEE FOR NATURAL RESOURCES)  
8 FOR THE STATE OF OKLAHOMA, )

)

9 Plaintiffs, )

)

10 vs. )4:05-CV-00329-TCK-SAJ

)

11 TYSON FOODS, INC., et al, )

)

12 Defendants. )

13 -----

14 VOLUME I OF THE DEPOSITION OF  
15 W. A. SAUNDERS, produced as a witness on behalf of  
16 the Plaintiffs in the above styled and numbered  
17 cause, taken on the 23rd day of October, 2006, in  
18 the City of West Siloam Springs, County of Delaware,  
19 State of Oklahoma, before me, Lisa A. Steinmeyer, a  
20 Certified Shorthand Reporter, duly certified under  
21 and by virtue of the laws of the State of Oklahoma.

22

23

24

25

00008

1 A Okay.

2 Q What is your formal education?

3 A High school.

4 Q Where was that?

5 A Gentry, Arkansas. I had some secondary 12:08PM

6 education in diesel mechanics in northwest Oklahoma

7 and school of hard knocks, got a masters in that.

8 Q And the diesel mechanic, tell me what that

9 was.

10 A It was just Vo-Tech school. 12:09PM

11 Q Where was the school?

12 A Northwest Area Vo-Tech in Alva, Oklahoma.

13 Q Alva?

14 A Uh-huh.

15 MR. GARREN: Off the Record a second.

16 (Whereupon, a discussion was held off

17 the Record.)

18 Q How long have you been a poultry growing

19 farmer?

20 A We started in February of 2001. 12:09PM

21 Q Okay, and did you purchase an operating -- a

22 growing operation when you did?

23 A I did.

24 Q From whom did you purchase it?

25 A Keith Morgan. 12:10PM

00009

1 Q And who was he growing for?

2 A Peterson.

3 Q How many houses was there in that operation

4 that you purchased?

5 A Five. I assume you're saying poultry houses? 12:10PM

6 Q Poultry houses, yes, sir. Did he have any

7 other operations that you're aware of, poultry

8 growing operations?

9 A Yes, I believe he did.

10 Q Do you know whether he's still a grower today? 12:10PM

11 A I believe he is.

12 Q Do you know where that other operation exists

13 or is located?

14 A The one he's at now I believe is still in

15 Delaware County. It's just off of Highway 412. I 12:10PM

16 have no idea what the address is.

17 Q Do you know if he is still growing for

18 Peterson there?

19 A To my knowledge.

20 Q Does he have any residual contractual rights 12:11PM

21 or benefits flowing from that sale?

22 A No.

23 Q Was it a cash sale and he's done?

24 A He's done.

25 Q Have you grown for any other integrators 12:11PM

00010

1 besides the Peterson Farms, Inc.?

2 A No.

3 Q Can you tell me who Evans & Evans Farms, Inc.,

4 is?

5 A I believe it's the operation end of Peterson 12:11PM

6 Farms. I mean that's who places -- at one time who

7 the contract was with is Evans & Evans.

8 Q Okay.

9 A Basically the same thing to me, one and the

10 same as Peterson Farms to my knowledge. 12:11PM

11 Q Okay. Did the people that you deal with or

12 talk with represent themselves as Dean Peterson as

13 opposed to Evans & Evans or did they distinguish

14 themselves?

15 A I don't know that they refer themselves to 12:12PM

16 anything. The contract --

17 Q Do they have any kind of uniform or hat?

18 A Evans & Evans, not that I'm aware of.

19 Q Do you see any uniform or hat or other

20 indication of affiliation for Peterson? 12:12PM

21 A Not on my farm actually, no.

22 Q So you have a flock inspector, and we'll

23 define that term later, a person that comes from

24 either Peterson or Evans to manage or inspect or

25 make recommendations on your farm, do they have any 12:12PM

00018

1 numerical Bates stamp order, so we have a page

2 missing apparently.

3 MR. WILLIAMS: Off the Record.

4 (Whereupon, a discussion was held off

5 the Record.) 12:23PM

6 Q If I may, Mr. Saunders, is it your

7 recollection that the form that you've signed in the

8 past was also entitled at the front Evans & Evans

9 Farms, Inc., broiler growing agreement?

10 A I believe that it is, yes. 12:23PM

11 Q Do you recall what was the first date of a

12 contract that would have been signed by you?

13 A The first date?

14 Q Yeah.

15 A It would have been in 2001. It would have 12:24PM

16 been -- my first flock I received in February of

17 2001. So the contract would have been dated in that

18 time frame.

19 Q The first flock was February of '01?

20 A Correct. 12:24PM

21 Q So it would have been around that time?

22 A Correct.

23 Q That's close enough. How often do you sign

24 contracts?

25 A Yearly. 12:24PM

00029

1 A A couple of years ago I'm assuming. I don't  
2 remember exactly, sir.

3 Q What facts or reasons did you have for going  
4 into the poultry growing operation business?

5 A To try to make my cow operation work better. 12:38PM

6 Q And how do you mean by that?

7 A By the fertilizer.

8 Q And tell me what --

9 A Poultry litter. I bought a piece of farm land  
10 that was very poor, had been cleared, then left to 12:38PM  
11 go back to seed, had never been taken care of.

12 Fertility on it was little to none, and I was either

13 going to have to put a tremendous amount of

14 commercial litter on it, commercial fertilizer or

15 poultry litter. With the number of acres I had, I 12:38PM

16 could not afford the commercial. Plus, I was

17 working out and trying to support a cow farm, and

18 the chicken farm gave me a chance to stay at home

19 and make a living and improve my cow farm.

20 Q So you bought it in order to have the waste 12:39PM  
21 from the poultry farm?

22 A As well as the income from the poultry farm,  
23 sure.

24 Q Had you ever used -- rephrase it. Had you

25 ever applied poultry waste to your farm prior to 12:39PM

00033

1 MR. THOMPSON: Object to the form.

2 A I did.

3 Q Let me ask you this, sir: Do you know whether

4 or not if you chose not to keep the poultry waste,

5 whether you could be a grower for Peterson? 12:43PM

6 A I don't know.

7 Q Did you inquire at any time whether that was

8 an option?

9 A No, sir, I did not, being it was one of the

10 main purposes I bought the farm to start with. I 12:43PM

11 wanted the litter.

12 Q Was there any representation made to you by

13 Peterson representatives about the value of the

14 poultry litter or poultry waste that's produced from

15 that operation? 12:43PM

16 A No.

17 Q In this set of documents from Exhibit 1, look

18 at Page 785.

19 MR. WILLIAMS: Saunders 271?

20 MR. GARREN: 785. They should be in 12:44PM

21 numerical order and they'll be skipping large

22 numbers.

23 A We're getting closer.

24 Q I direct your attention to Paragraph H on that

25 Page 4 of that contract. Do you see that? 12:44PM

00059

1 recommendations?

2 A Not really. I mean we'll compare our notes on  
3 our particular farms but we don't really get into  
4 what the service tech says.

5 MR. McDANIEL: Can I ask a question before 01:16PM  
6 you move on? Do we have an agreement that all  
7 objections except to the form are reserved for  
8 trial?

9 MR. GARREN: That's my understanding.

10 MR. McDANIEL: I didn't hear it stated on 01:16PM  
11 the Record.

12 MR. BULLOCK: It wasn't but it is now.

13 MR. McDANIEL: Go ahead.

14 Q Do you know of any other methods used to  
15 communicate recommendations to a Peterson grower 01:17PM  
16 like yourself other than through the field man?

17 MR. McDANIEL: Object to the form,  
18 foundation.

19 A Yeah. I mean the live production manager may  
20 come out and visit with you. The head of the 01:17PM  
21 broiler manager may come out and talk with you. I  
22 mean we're all talking and visit back and forth and  
23 make recommendations.

24 Q And those individuals you just described might  
25 make recommendations to you as a grower? 01:17PM



00060

1 A Sure. Just another pair of eyes on the farm.

2 You know, you're doing fine but you might do better

3 if you do this.

4 Q Let me ask you this then with regard to

5 recommendations: At any time does the field man 01:17PM

6 make recommendations regarding your handling of the

7 poultry waste, moving it or storing it?

8 A I think that's part of the housekeeping that

9 he looks at. If you've got a bunch of litter

10 stacked outside or you're tracking a lot of litter 01:18PM

11 outside, he'll recommend it be cleaned up. I've

12 heard of him doing this at other farms.

13 Q Does he make any recommendations with regard

14 to the land application of the poultry waste to you,

15 a grower? 01:18PM

16 A No. My field man has not.

17 Q Do you know whether or not they do it to any

18 other growers?

19 A I have no idea what they do with other

20 growers. 01:18PM

21 Q You said earlier that you're required to cack

22 out every flock. Who makes that requirement for

23 you?

24 A That was the live production manager. That

25 was just what he wanted done. 01:18PM

00062

1 a bobcat and smooth everything back up, leaving me

2 about four to six inches.

3 Q Would the birds be in the house at that time?

4 A No, no. That leaves me about four to six

5 inches where I don't have to buy bedding to put 01:20PM

6 down. My bedding costs are pretty expensive, and

7 this just saves me that much money. After about the

8 third year -- after the second year, I went to

9 cleaning out every year, and my production has been

10 better. I make more money. So it proved to me that 01:20PM

11 it was good advice. I listened a little bit.

12 Q Does the field man ever make recommendations

13 or assist you with regard to getting waste analysis

14 or waste tests performed, poultry waste tests?

15 A Not the field man, no, sir. 01:20PM

16 Q Has he ever assisted or made recommendations

17 to you about taking soil samples?

18 A No. We're instructed that we must have a

19 waste management plan to even grow chickens, which

20 covers that. It has to be done according to the 01:21PM

21 waste management program.

22 Q In fact, that's in your contract, is it not?

23 A I believe it is. If it's not, I assumed it

24 was because I have read it in the previous contract

25 or this one. 01:21PM

00063

1 Q Looking at page Saunders 789, paragraph Roman

2 numeral 6, the third line down on the right, it says

3 that the grower agrees, and I'll paraphrase, to

4 immediately apply, to develop, implement and

5 maintain a current nutrient management plan for his 01:21PM

6 farm. Is that what you are referring to?

7 A That's what I'm referring to, yes.

8 Q And do you understand that a nutrient

9 management plan is basically another definition or

10 another title for an animal waste management plan? 01:21PM

11 A It is.

12 Q When your field man goes into your poultry

13 houses, does he wear protective clothes or gear of

14 any kind?

15 A He does. 01:22PM

16 Q Describe what that is.

17 A He wears plastic boots; he wears coveralls; he

18 wears a hat. I believe that's -- he sometimes wears

19 a hair net.

20 Q What is the coverall material? 01:22PM

21 A It's a white tie bar (sic).

22 Q Tyvek?

23 A Tyvek material.

24 Q And what does he do with that protective

25 clothing when he leaves the barn? 01:22PM